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EXAMINER

PHAM, THOMAS K

ART UNIT PAPER NUMBER

2121

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/759,204

Applicant(s)

FRIETAS ET AL.

Examiner

Thomas K. Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. This action is in response to request for re-consideration filed on 04/15/2005.
2. New claims 3-20 have been considered.
3. Applicant' amendment, with respect to the new issues of claim 2 and the addition of claims 3-20, necessitated new grounds of rejection presented in this Office Action.

**Quotations of U.S. Code Title 35**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **Claim Rejections - 35 USC § 102**

6. Claims 2-5, 9-14 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,872,926 ("Levac").

#### **Regarding claim 2**

Levac teaches a method for communicating wireless data, wherein the method comprises:

- receiving a request generated from a wireless device from across a wireless network, wherein the request is for data provided by a particular application (see col. 3 lines 2-16);
- using information included with the request to detect one or more characteristics of the wireless device, wherein the one or more characteristics are indicative a type of the wireless device which generated said request (see col. 4 lines 59-64);
- selecting based on the one or more characteristics of the wireless device, one of a plurality of modules to implement a functionality of the particular application (see col. 4 line 64 to col. 5 line 5); and
- generating a response to the request from the wireless devices wherein the response includes renderable data that is configured for the one or more characteristics of the type of the wireless device (see col. 6 line 63 to col. 7 line 8).

#### **Regarding claim 11**

Levac teaches a system for exchanging wireless data, wherein the system comprises:

- a server component that is configured to handle requests generated from wireless devices (see FIG. 2 and col. 4 lines 41-46);
- a plurality of modules, wherein each of the plurality of modules is configured to implement at least a functionality of an application for a corresponding type or class of a

Art Unit: 2121

wireless device, wherein the corresponding type or class of the wireless device is different for at least some of the plurality of modules (see col. 4 lines 47-64); and

- one or more processes that execute on the system to detect one or more characteristics about a given wireless device making a request for data provided by a particular application, wherein the one or more characteristics are indicative of a type or class of the given wireless device (see col. 6 line 63 to col. 7 line 8), and wherein the one or more processes select at least one of the plurality of modules that are configured to implement the functionality of the particular application for the type of class of the given wireless device (see col. 4 line 64 to col. 5 line 5).

**Regarding claim 3**

Levac teaches receiving a request generated from a wireless device includes receiving the request for real-time data provided from a groupware (see col. 3 lines 2-14).

**Regarding claim 4**

Levac teaches receiving the request for real-time data includes receiving the request for a message to a user of the wireless device (see col. 3 lines 2-14).

**Regarding claim 5**

Levac teaches the message is an instant message (see col. 3 lines 9-16).

**Regarding claim 9**

Levac teaches programmatically and automatically detecting the one or more characteristics of the wireless device (see col. 2 lines 26-35).

**Regarding claim 10**

Art Unit: 2121

Levac teaches receiving the request for real-time data provided from a groupware includes receiving a request for an application selected from a group of applications consisting of (i) an enterprise messaging application or set of applications, (ii) a shared calendar application, (iii) a shared contact application or list, and (iv) a shared task application or list (see col. 3 lines 2-18).

**Regarding claim 12**

Levac teaches the server component is configured to handle requests that include requests for real-time data provided from a groupware (see col. 3 lines 2-14), and wherein at least one or more of the plurality of modules are configured to implement the functionality of the groupware for the corresponding type or class of wireless device (see col. 4 line 64 to col. 5 line 5).

**Regarding claim 13**

Levac teaches the requests for real-time data provided from the groupware include requests for messages (see col. 3 lines 2-14).

**Regarding claim 14**

Levac teaches the requests for real-time data provided from the groupware include requests for instant messages (see col. 3 lines 9-16).

**Regarding claim 19**

Levac teaches the one or more processes execute on the system to automatically detect one or more characteristics about the given wireless device (see col. 2 lines 26-35).

**Regarding claim 20**

Levac teaches the request from the given wireless device includes a request for an application selected from a group of applications consisting of (i) an enterprise messaging application or set

Art Unit: 2121

of applications, (ii) a shared calendar application, (iii) a shared contact application or list, and (iv) a shared task application or list (see col. 3 lines 2-18).

### **Claim Rejections - 35 USC § 103**

7. Claims 6-8 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,872,926 ("Levac") in view of U.S. Patent No. 6,167,441 ("Himmel").

#### **Regarding claims 6 and 15**

Levac does not teach using information included with the request to detect one or more characteristics about the wireless device includes identifying one or more of a (i) manufacturer of the device, and (ii) a browser type of the device.

However, Himmel teaches using information included with the request to detect one or more characteristics about the wireless device includes identifying one or more of a (i) manufacturer of the device, and (ii) a browser type of the device (see col. 8 lines 30-38) for the purpose of supporting a multitude of different client devices for an Internet application (see col. 2 lines 14-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Himmel with the system of Levac because it would provide for the purpose of supporting a multitude of different client devices for an Internet application.

#### **Regarding claim 7**

Art Unit: 2121

Himmel teaches using information included with the request to detect one or more characteristics about the wireless device includes using information about characteristics of a display of the wireless device (see col. 2 lines 36-51).

**Regarding claim 8**

Himmel teaches using information about characteristics of a display of the wireless device includes using one or more of (i) information about a dimension of the display, and (ii) information about any soft keys carried on the display of the device (see col. 6 lines 18-27).

**Regarding claim 16**

Himmel teaches the one or more processes detect one or more characteristics about the given device that include characteristics about a display of the given device (see col. 2 lines 36-51).

**Regarding claim 17**

Himmel teaches the characteristics about the display of the device include a dimension of the given display (see col. 6 lines 18-27).

**Regarding claim 18**

Himmel teaches the characteristics about the display of the device include soft keys carried on the display of the given device (see col. 6 lines 18-27).

***Response to Arguments***

8. Applicant's arguments with respect to claims 2-20 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thomas Pham*

  
September 19, 2005

  
**Anthony Knight**  
Supervisory Patent Examiner  
Group 3600